

Tape #1 * indicates 15 second time stamp, ???- indicates unintelligible speech

A: Thank you for participation today. This is a short research study on the developmental development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine how people think* about legal problems. You will not be graded and your answers will not be revealed to your professors. Your responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through, this is to familiarize* yourself with verbalizing your thought process. This is only a warm up and is not part of the study. When answering the question please verbalize your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them* in a free flowing manner. The easiest way to do this is to go through your normal thought process but say everything as loud say everything out loud as if no one else were in the room. This is a sample LSAT problem, you* can read it out loud or to yourself, whatever feels more comfortable.

1: [reading]**

A: ok when you go through a thinking an actual thinking process of it I need you to say that portion out loud

1: alright um

A: that is what we are trying to capture in this study

1: The insurance companies have a right to charge higher premiums, I don't really think that applies* to the question, I don't really think that it applies to the ??? um I also consider whether the red cars cost the same in repairs um that doesn't really have anything to do with banning the* cars from the road since it has nothing to do with money um there is a possibility that drivers who drive recklessly have a preference for red cars um hm..*.I think actually that it is assuming that it almost assumes that drivers who drive recklessly have a preference for red cars since red cars seem to be in the most accidents uh it doesn't specify precisely what percentage of red cars involved in accidents other then that we are talking*???

A: ok... Now I will be presenting you with a legal problem, please read it aloud or to your self and verbalize any thoughts you have as you read. This should mirror* your normal thought process. It should be as natural as possible, remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the ca following the presentation of the case you will read a question. The information on the page* is all the information of what is available regarding this problem

1: [reading] ...*****

A: Have you finished reading the whole problem?

1:..... hm hm, is there a reason why it is misspelled*

Tape #2- * Indicates 15 second time stamp, ??? indicates unintelligible speech

A: thank you for your participation today. This is a short research study on the development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine *how people think about legal problems. You will not be graded and your answers will not be revealed to your professors. The responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside of the research team. First you will be given a sample problem to work through*. This is to familiarize you with verbalizing your thought process. This is only a warm up and is not part of the study. When answering the questions please verbalize your thoughts as naturally as possible, please do not explain or rationalize* your thoughts but rather communicate them in a free flowing manner. The easiest way to do this is to go through your normal thought process but say everything out loud as if no one else were in the room. This is just a brief* ... warm up problem

2: [reading]* * it ignores the possibility that drivers who drive recklessly have a preference for red cars

A: Anything else?

2:*

A: For the purpose of the study I mean we would need you to think

2: ok well

A: basically out loud

2: ok, I mean it looks to me like like the question that like* off the LSAT kind of reasoning that um the the reasoning process I went through was that it is asking what it is pointing out that red cars that* people who drive red cars have higher accident rate the presumption that I would make is that these same people are going to drive the same if they are driving yellow cars or blue cars or or whatever color cars it is just that that *careless drivers just seem to have a pension for red cars I don't think that the color red is making them drive faster

A: Ok Uh well you just you don't have to explain your answers to me or your reasoning I just

2: Ok*

A: for the purpose of the study we just need you to

2: ok

A: basically think out loud

2: Ok cause that one I just kinda jumped right to the answer with that. I I could I could I looked at the question

A: that is fine

2: and I could quickly eliminate I eliminated A and B as soon as I looked at them and C fit I didn't* even look at D and E when I was that C fit

A: Ok that is fine, um next you will be presented with a legal problem please read the problem out loud or to your self and verbalize any thoughts you have as you read

2: ok

A: this should mirror your normal thought process. It* should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it

2: Ok

A: Following the presentation of the case you will read a question. The information on* the page is all the information regarding the problem

2: 8 months ago your client Alexander Samos a 37 year old electrical with an 8th grade education went* to the Midtown Chevrolet dealership and told the salesman Edward Warren that he was looking for a used vehicle. Mr. Samos whose second language is English had not dealt with the dealership on any prior occasion and called his decision to look at its cars spur* of the moment. After discussing available cars and financing with Mr. Warren Warren Mr. Samos took a Nissan Altima different from the one he eventually purchased home for the night as a test drive. The following day my client* returned the car to the dealership and began discussions about the 2001 Nissan Altima that he ultimately purchased. Warren told him that the car was executive driven and that it was a great used car, the sticker stated 2001* Nissan Altima 4 door GLE, as is, no warranty, well to me right off the bat that raises suspicions because if they are saying no warranty on the used car then* that is uh my suspicions would be raised immediately and I would be I am wondering if they were taking advantage of him because he wasn't English wasn't his first language. He wasn't didn't appear to be quote un quote* American, [laughter] Upon his decision to purchase the Altima, Warren prepared a number of documents for your client to sign. These documents which Mr. Samos shows include a retail installment contract* with a purchase price of \$13,999, an odometer disclosure form showing 31,248 miles, hand written vehicle sales order, a typed vehicle sales order* and a certificate of title. Now why are you getting a hand written vehicle sales order and a typed vehicle sales order? That sounds suspicious too. The retail installment contract contains the typed word "used" in the box* designated new or used. Both vehicle sales orders contain checks in the used box of the section, which also contains boxes titled "new" and "demo". None of these documents make reference to the cars prior owner. The* front of the certificate of title on the front the front of the certificate of title lists enterprise auto rental of Indianapolis as the original owner. Well the sales person had said that it was an executive driven car and it was a rent a car and that sounds like anybody was driving it not that it as an executive* driven car. The back of this title contains a section labeled first reassignment by registered dealer only..... I don't know what that means... oh* ahh I guess it probably means there was only one owner prior but I am not positive about that. Under which

midtown Chevrolet is listed as dealer and Alexander stamos is listed as purchaser. Your client admits signing all the papers although* your client does not remember in detail each form he signed. He did recall that he was neither pressured nor rushed to complete the paperwork. That still doesn't mean that they weren't taking advantage of his lack of knowledge and trying to con him. Mr.. Samos admits having* driven the Altima since it s purchase without any serious malfunction but recently his friend looked closely at the certificate of title and found that the previous owner was a automobile rental company. Your client states that he interpreted Warren's statement* "executive driven" to mean that the car had previously been used by high ranking employees of either Nissan or Midtown Chevrolet and feel that he was deceived into purchasing the car because he relied on the on that statement. My clients admits that he knew* he was purchasing a used car but he did not know nor did he inquire further about the Altima's history or previous owner. My Client wants any damages to which he is entitled. My state has no statute that applies to this type of situation.* Based solely on these facts does your client have a viable legal claim for damages?

A: Ok before you answer that question

2: yeah

A: can you give me a brief summery of the case you just read?

2: Ok um* Mr. Samos went into um a used car dealership um he looked he was looking at cars they let him borrow a Nissan Altima overnight which turned out not to be the one that he had that he ended up purchasing. He liked* the car, he went back to them and told them he was interested in purchasing a car and they told him that they had one that was executive driven that ... uh that did not come with a warranty they told him that* um... Listed several documents hand written title and a uh typed title I believe and he purchased the car* um Mr. Samos uh was not um I don't know if he wasn't fluent in English but English was not his first language and ... the description led me to believe that uh he was not proficient in English* that that he would be somebody easily taken advantage of by by smooth talking sales person. And that he went in under the belief that he was purchasing a car that had been driven by executives* of either this used car company or by general motors or Nissan that uh.... that he was purchasing a uh a car that had had one owner* and had been well taken care of and in fact after he made the purchase a friend of his noticed on the certificate of title that uh the car had in fact been owned by a rental company and uh he felt had had been deceived* and that the the uh used car company misrepresented the car to him

A: anything else?

2: he wanted to recover damages for what the whatever the amount that that *is determined that he might have been over charged for the car might be

A: anything else?

2: no not off the top of my head no [laughter]

A: ok what are your thoughts regarding the question* presented at the end of the case?

2: ... I would say that he might I would n n n need to research what what the law is as far as contracts* in in the state in New York if its in New York and ... and if ... there are any exceptions to the contract if uh if the terms were misrepresented to him.

A: Uh what *did you think? What do you think about the problem in relation to the question at the end?

2: .*.....I am not sure what you mean by that.....[laughing] ... I mean I think that that he certainly there is certainly a possibility* that he has a claim I wouldn't tell him that he doesn't I would want to research it further it sounds like there is a reasonable possibility of a claim there

A: anything else you would do?

2: I would look for uh similar* cases that were uh somebody who had purchased a car under the same kind of circumstances where it might have uh... the contract might have been voided because of misrepresentation that would be the first thing if it was it I couldn't find *any cases involving a car then I would look for other contract issues where somebody had made a purchase and misrepresentation resulted in the contract being voided or damages being awarded because of the misrepresentation, its not where we are looking to void the contract.*

A: OK is there anything else you would do?

2: ... well once I found out then I would want assuming that that I found some some sort of basis for a claim then file suit serve notice and... file suit for * what you would have to assess what the damages are you might have to look and see what a similar car was selling for because if there are no damages then there is no suit he's got if he got fair price on the car which I don't know if he did or he didn't then ..*.. regardless of what misrepresentation was made he wasn't cheated so you have to have some kind of damages to collect.

A: ok well thank you for your time. We ask that you not discuss the study, the legal problem* presented to you, or any of your answers with any one else at Hofstra. This is to ensure that other potential participants are not tainted and that we are able to gather quality data. Thank you

2: No problem

A: I have no idea

1: oh alright.....**

A: Just let me know when you are done* with the whole problem

1: oh do you want me to answer this question?

A: No not yet

1: ok I am done

A: Can you give me a brief summery of the case you just read?

1: Yeah um Mr. Stamos walks in and um his second language is English not his first and he gives some car dealership* and he test drives a car decides to buy that type of car not exactly the same car um he definitely wants used car because he can't afford ??? then he buys the car pretty much signs all the documents for it but he never really finds out the um he never finds* out who the original owner is nor does he really inquire about any of this in ??? of signing the documents and that is pretty much it

A: anything else

1: um ... well I mean then he goes to his lawyer of course and he wants he finds* out the car was originally owned by enterprise rent a car and um he wants to know if he is entitled to any damages for not being aware of it. The car was originally was owned by a car rental company so one person misinterpreted executively driven as driven by people* within the company but he didn't really ever ask about it. It is kinda ???.

A: anything else?

1: is there supposed to be more or are you just supposed to ask

A: I am just asking you

1: ok um ... not really I *think he just went to his lawyer to find out if he has any legal rights I guess he is not too happy about the fact that he is driving in a previously rental vehicle

A: What are your thoughts regarding the question presented at the end of the case?

1: .*.. I don't really think he has any legal claim for damages at all. I mean he went he bought a car he was happy with his purchase he didn't, HE didn't inquire ya know* who owned the car before if he assumes he assumed or ya know whatever if he didn't know executively driven that is his own fault he should have inquired about it, I don't really think the car dealership did anything Although, I don't know anywhere there is a law that says they have to tell you it is rented so I don't know* if that matters I don't think then I guess he well I know car dealerships

are supposed to tell you that cars are rent have been rented cars and bought from a rental agency so I mean I guess there are damages in this case but if there wasn't that law then you would have* no ??? So I guess he does have a legal claim

A: is there anything else at all

I: um not really

A: Well thank you for your time today, we ask that you not discuss the study the legal problem presented to you or any of your answers with any one else at Hofstra.* This is to ensure that other potential participants are not tainted and that we are able to gather quality data. Thank you

Tape Number 3- * indicates 15 second time stamp

T: This is short research study on the development of legal reasoning skills by law students, um not a test of your abilities we are trying to determine how people think about legal problems. You are not graded you we will not going to give the answers to your professors um* we are going to record your responses but the tapes won't be heard by anybody except the research team. Um let me give you a sample problem to work through first just so that you are familiar with the process. Um you are going to verbalize everything* you think not tell me why you think it or what you are going to do next but just that random fragmented thought process that you have when you read just say it out loud. It is just a warm up the first part so don't worry about giving the right answers or wrong answers just* anything is fine. Um just kind of report to me what you are thinking as you think it. Like the part of your brain that says oh don't say that out loud yeah say that out loud

3: ok

T: um don't rationalize anything just make it as normal as u possibly can. And you are going to read this if you want to read aloud u can if you don't *then that is fine too but if you think anything while your reading it just say it out loud the tape will pick it up

3: alright

T: ok

3: [reading} red cars, ok..*... I wonder how they did research to find out whether the red car like how there was a greater percentage of red cards involved in accidents doesn't seem like something they would keep information on*.....they're kind of saying that red cars banning red cars would reduce accidents that is illogical* on the face of it..*...hm they are using this flawed cause*...it ignores a lot of things, there is the possibility that the drivers who drive recklessly have a preference for red cars the first thing that comes into my mind*.. just because you prove an effect doesn't mean the cause of them is actually accurateis the second one the exact same thing? ...***.. also seems to me they make several unsupported assumptions although since there is no research here at all... or actually even a true statement they say anything else actually I would actually like to know more information if I actually had to do something...*..is there anything else that

T:Is there anything else you want to add?

3: um* not that I can really think of at this point all points, all the points lead to B only make a little bit of sense some of them more then others, but* I think there are several of their claims are fairly unjustified and they sound good but if you were to put it a different way it could sound just as good, if you were to say ya know that people who buy red cars drive more recklessly then you should raise insurance* rates on red cars because that ... uh that could be a very similar kind of claim... and just the fact that it says that this claim is true they are acknowledging* the fact that it might not be, but they don't give any information as to how they came up with that and whether it is true or anything for that matter.

T: Ok, let me have this back and now this is the legal problem. I* am asking you to read it and there is a question at the end, the information that I am giving you is the only information that is available

3: ok

T: if there is other information that you say I wonder if this is true say that

3: ok

T: um just mirror your thoughts, any thoughts that you* have as they come just say them

3: ok

T: and whether you read aloud or to yourself just let me know when you are done reading

3: ok

T: ok?

3: the question is on a different sheet or something?

T: there is one question at the end of that, so once you are done reading let me know*

3: [reading] so we've got an electrician who is uneducated? A car* dealership that's got an uneducated person talking to a salesman..... Mr.. Stamos second language is English is probably first language then *is most likely some Spanish perhaps... we have a Nissan at a Chevy dealership* ... that seems odd somehow...and the one that he took a test drive in is different from the one that he purchased....**.."as is", no warranties kind of a scary proposition on a car.... the salesman is* this Warren guy telling him stuff that it is a great car..*...this price of \$13,999 and it is listed at \$14,500...uh disclosure*...*....the first certificate of the title is hand priced auto rental seems odd* for if to have been an executive driven and great used car the first thing I think of when I think of an auto rental is they, they really mess up those cars...*... signed all the papers probably didn't know enough to look through to find more information about before signing them, isn't that a more common a lot *of people sign stuff before they actually have the slightest idea what they are signing..*... it was a used car but the statement seems to* have been deliberately false to make the car sound better then it was, even if he knew he was purchasing a used car he didn't know he was purchasing one from a rental agency until too late*...he possible should have known that, but considering how he hasn't had any education he possibly wouldn't have looked for that uh ..*..and I would say that there is probably a viable legal* claim for damages in this regard I am not sure for how much he could actually argue the damages for, but if he is talking about the fact that it was executively driven and if he* intentionally made any false statements about that to try and make his sale I would say that is probably a breach of some kind of contracts obligation that he had....*.... it is a great new used car and it was fairly subjective so I don't see how the problem would make too much of a difference salesmen always* tell you the stuff is great. If they sued for that on a regular basis I think the courts would

be fairly clogged..... executive driven certainly doesn't seem to mean rental car agency..*... the fact that he knew he was purchasing a used car didn't know or decide to inquire* about its history I wouldn't think that he would think that there was a reason to if he had already interpreted what the salesman was saying to be true if he accepted that there would be no reason to look into it farther at least not in his mind ..*.. yeah I think that there probably would be a legal case here

T: ok anything else?

3: um...not* really that I can think of just having gone through it once here

T: okyou* already answered the question at the end which was good you let it all flow ok now I have to tell you thank you very much for your time and I have to ask you top secret stuff not* to discuss anything that we discussed her with anyone else at Hofstra cause you will taint potential participants if you do that

3: ok

T: Um we want to make sure we get good data later. I am going to ask you to push stop on that.

Tape Number 4- * indicates 15 minute time stamp

T: This is a short research study on the development of legal reasoning skills by law students. We want to learn how you learn to think like a lawyer that is why we are trying to get you before you started classes so that you are not tainted by all that wonderful knowledge that you are getting*. Um this isn't a test of your abilities but an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to any of your professors. Your responses will be tape recorded for accuracy but these tapes will not be shared with anyone* outside of the research team. First I am going to give you a sample problem to work through just to familiarize you with the process what you have to do is read the problem either aloud or to yourself, whichever you choose and then just think, whatever you think as you are reading it or* whatever you think afterwards say out loud. But you are not telling me why you think it, you are just reporting to me what you think. Imagine you are a weather reporter outside and you are just telling me everything that you see, you are just telling me everything that runs through your head.* You can actually even talk to the tape recorder and pretend I am not here. Um the first question is just a warm up it is not part of the study. Um don't explain or rationalize anything just communicate in a free flowing manner in doing easiest the easiest way for you*. Um let me give you this and if you have any thoughts while you are reading it just say them out loud and if not just start talking when u are done reading.

4: and this is the?

T: that is the sample problem just* to get you used to the process it has nothing to do with the study and there is no right or wrong answer so worry about more about what you are thinking at the time and not about what the answer is

4:[reading] ** I am sorry so as I am trying to come up with trying to choose between A and E
*on saying my thought process

T: say your thought process out loud

4: Ahhh

T: If it helps, you pretend you are talking to yourself

4: ok,.. um**its harder than I thought, um I am not a vocal person

T: that is why you have an example first. Um the easiest way for me to explain it is if you were doing a math problem, if you are doing 23 times 6 the first thing you would think is 3 time 6* but you wouldn't think 3 times 6 is you would think 3, 6, 18. ... it doesn't have to be whole sentences it just has to be what you are thinking

4: ok uh *my thoughts on the sample are um*.....let me move on to the next sample and maybe I will have thoughts ..*.... oh it is the same sample, never mind then, um ...**..... I am sorry I don't, ah*

T: you will be, are you done reading?

4: yeah I have pretty much completed it.

T: ok let me have that back then. Now I am going to ask* you without the benefit of notes to give me a summary of what you just read

4: uh a...*.. guy purchased a car um..... that he knew was used and should have known if uh he *was able to read English that it was owned by a rental company claiming to be executively driven um later was informed by a friend *that um....

T: it's not a test.

4: it's been a long day, a long day. um a guy got a car* under um the price based on his initial understanding later found out from a friend that he misunderstood uh..*...and wants compensation for it.

T: ok anything else?

4: no

T: ok now you can have this back and I am going to ask you what* are your thoughts regarding the questions presented at the end of the case. Just remember just report what you think you don't have to tell me why you think it

4: ...*...oops I am sorry I really am a spaz.

T: that is ok the question that is at the end

4: right

T: what are you thoughts about, if you read that question then you know it is asking you something what are your thoughts not what is the answer but what do you think*..... if you were a lawyer sitting in an office

4: and I heard this case?

T: and this was your case

4: what would I think?

T: what would you think

4: Um

T: how would* you go about analyzing the information?

4: um I would wonder what

T: Don' say "I would wonder" just ...

4: oh oh

T: just wonder out loud,*..... imagine you are a new lawyer and you have just been given this information by a senior partner and you are alone in a room, what do you think?

4:*..... um ..*.. um .*... it I'm not taking this as a very good case um ...um I would be hesitant to* take it without um finding out more information, um is that the line of thought that you want, no I am not , I am not

T: I don't want anything*

4: I am not, I have many thoughts I am not

T: anything you have, just anything you have at all..... You are in the mall and you meet this guy and* he tells you this story and the wheels in your head start turning.....* ...

4: correct me if I am going down the wrong route cause I have, I I I am wondering, um.....*...* I am thinking the guys should have.... uh.... asked* what executive driven means and not make assumptions um.....I didn't think (unintelligible) um..*.*...*I don't think I hear any issue uh raised or anything.I don't hear* a problem pretty much I don't see anything

T: ok

4: I am not this is going to be complete waste of tape. I have many thoughts that I am wondering but not thinking

T: so then give those thoughts out loud*

4: um

T: you said that you wanted more information, if you had it what information would you want?

4: Um, ..*... (unintelligible) I am wondering they, no, where they, no forget* about that

T: don't worry about what I want, just say whatever is on your mind

4: I am just..., [sigh]* I am just wondering why someone would make an assumption and not inquire, that is really just asking to be taken advantage of, um but ... it* it I don't, at no point did it mention it wasn't in fact driven by high ranking employees or not

T: what would you say?

4: that I told him what the interpretation was and that is what I was concerned that he understood it but nothing led up* to that and so I would wonder who in fact drove the car um and that information is not given um to go with uh the guys thought process.....*..*....so in short I would wonder who really drove the car, which that is the information I would want um and what I would find lacking

T: ok *anything else?

4: um

T: about the fact pattern about the questions I mean there doesn't have to be I am just double checking that there is nothing that you didn't say

4:*.... um..*... I think that is really *it unless you need me to say more for the study

T: I don't NEED you to say anything just say what is on your mind

4: no I pretty yeah that is pretty much the only thing question that I would have on my mind that I would want answered um before proceeding* with my limited knowledge of law

T: ok, then I want to thank you for you time and ask that you do not discuss the study or any of the problems with anybody else at Hofstra because you might taint the potential participants in the future we are doing* first years now and then we are going second years and third years and so on so if you tell people what is going on then they are going to ruin their responses. So that is it.*

Tape Number 5- * indicates 15 second time stamp

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5: [reading]**** um seems to make sense to me that answer C ignores the possibility that drivers who drive recklessly have a preference for red cars. Um assuming that these unsafe drivers are still going to be on the road if you take red cars you ban red cars* they are going to have to get some other kind of car and possibly make it more difficult to uh specify who these drivers are because they won't have this indicator of red cars but they will still be on the road somewhere.*

T: Um the way I learned to do this was doing a math problem if you did 23 times 3 you wouldn't tell me 2 times 3 equals 6 you would just go in your mind 2,3,6 so just whatever you normally think* is what you want to say out loud.

5: so you are saying that I wasn't saying the right kind of things?

T: there is no right or wrong answer. It is just a matter of you were saying what the answer is because in a normal thought process you don't go through all of that you are saying* that because I am here. Just pretend I am not here because we are trying to figure out how you think about the problem not how you are going to respond to an answer you are not giving an exam answer you are just thinking about it.

5: ok

t: so I am going to give you a legal problem *uh verbalize any thought you have um it should be as natural as possible you only need to report to me what you are thinking as if you were watching a forum and you say this and this and this happens and this in little short bursts

5: ok

T: Um following the presentation of the case* there will be a question. The information on the page is all the information available to you regarding the problem, there is no other information. Ok?

5: [reading]*** I am curious to know when he found this Nissan Altima that he eventually purchased*... I am not really sure what executive driven means possibly that the dealership drove it around*...[reading]*...it seems that 31,000 miles is a lot of miles for*.. this car that was a used car first and then it was ..or possibly (unintelligible) I am not really sure....** yes now it says that it was an enterprise car....*** it seems like Mr.. Stamos made the same assumption that I made

T: Let me know when you are done reading

5: **[reading] ok

T: I need a quick summary of the case. What you think the case was about

5: Uh Mr. Stamos went to buy a car um* he eventually decided on buying a used car which he believed to be executive driven which in his mind meant that it was driven by the dealers at the dealership um took the car home* hasn't had any problems with it but his friend took a look at all the paperwork that he signed and realized that it was actually the prior owner was enterprise rent a car which bothers him because he thought everything was disclosed and he now wants to recover some kind of damages. But it isn't necessarily sure* if there is a statute that applies.

T ok is there anything else? There doesn't have to be there are no right or wrong answers just is there anything else?

5: there are more details I summarized for you

T: ok now* you can take this back and what are your responses regarding the question presented at the end of the case? Just remember to report your thoughts

5: my first thought is that um he signed all the paper work* which could present some kind of problem but I would have to think that there would be some kind of law um stipulating certain facts that need to be disclosed and possibly there was some negligence of the fact that the dealership* was not disclosing pertinent information having to do with the fact that it was previously owned by a rental company um I am frustrated* by the fact that there is no specific statute that deals with this issue um but I am not exactly sure as to the laws and whether or not they are um... some common law issues that would apply... so* I guess research I would have to do more research on the subject

T: just report you thoughts as they happen, there is not right or wrong answer I promise you I have tried

5: my thoughts.....*

T: imagine you are reading this and you have to solve the problem you're an attorney sitting in an office what are your thoughts when u first read this? Without any other information

5:he knew it was* a used car, he signed all the paperwork, he had some kind of responsibility to read what he was signing um I imagine he signed um I mean it said he said he signed a paper saying that he knew it was prior *owned prior by enterprise auto rental of Indianapolis. Um you would think that in buying a new car you would ask a lot of questions* about where it had been, what the history of the car was, um had it had any problems since he had the car um... I am not really sure what kind of damages can be awarded unless he is* looking for some opportunity to select a new car but there really aren't any damages from what I can see. ...um...*. I really honestly do not feel that he has much of a case.

T: ok, anything else you want to throw anything in?

5: wish* I knew more about the law to relate to this case

T: the reason we are asking you is because you don't know. [laughing]

5: [laughing]

T: Ok the disclaimer part is thank you for your time of course we ask that you not discuss the study and the legal problems that you saw or anything else with anybody at Hofstra this is because you don't know who else is in the study* and we don't want to taint the potential participants.

Tape Number 6- * indicates 15 second time stamp

T: first off thank you for your participation. this is a short research study on the development of legal reasoning skills of law school students. Uh it is not a test of your ability um it is just an attempt to determine how people think about legal problems. Um you are not going to be graded your answers are not going to be given to any professors um we are recording *your responses for accuracy but the tapes will not be shared with any one outside the research team so you won't have to worry about hearing your voice on the internet or anything. Um I am going to give you a sample problems to get you familiar with the process of verbalizing the thought process . Um it is only a warm up it is not part* if the study um when u answer the questions just verbalize your thoughts as naturally as possible as they happen. They might be fragments they might just be one word one word you know what about this what about this.

6: Can i ask you a question?

T: Sure

6: Um research teams like other then Professor Krieger or essentially* any of the professor that i have right now going to be on the team that might hear this tape

T: No it is professor Krieger and his 2 research assistants which are myself and Alex and maybe his secretary. There are no other professors that i know of involved

6: ok

t: um there is a professor involved at Columbia Medical School

6: Right

t: *Um you will need to explain or rationalize your thoughts just communicate them as they happen. Um just say everything aloud. That part of your brain that normally says oh don't say that out loud, just say it out loud. I am going to give you this and you can read it aloud or to yourself that is up to you and if you have any thoughts while you are reading it* or after you are reading it you know there is a question there that you are obviously want to answer just verbalize anything that goes on in your head and don't worry about saying the wrong thing just say everything.

6: ok

[reading]* * * *

6: so answer the first and then answer the second? Essentially um* um they say the reasoning and the argument is flawed um in terms of the premiums for all of the ??? auto accident insurance um... the tire the red cars *as versus other types of cars reasoning is flawed because*

Um the first one doesn't really address the issue except that for the question that insurance companies have the right to charge higher *premiums um i don't know that we are discussing whether the insurance companies have the right to charge a higher premium also have to consider whether the red cars cost the same as to compare it to cars of other colors*. I wouldn't say that it is choice B either. Um ... i don't think... the cost of repairs is relevant and it ignores the possibility of drivers who drive recklessly have a preference* for red cars i am not sure it does not specify exactly what percentage of red cars are involved in accidents. And that is not ?????? in some loss of life

Um*....i would say that B makes an unsupported assumption about every automobile out there and results in some loss of life... next question*...*...*.... the second question is exactly the same as the first it ..*.. *...*...*...uh I guess my answer for the second question will be exactly *the same it makes and un supported assumption about every automobile accident that results in some loss of life unless i missed something both of the questions were exactly the same

t: ok let me take that back from you

6: oh ok

t: that was just to get you* familiar with verbalizing what you think

6; ok

t: ok now i am going to give you a legal problem scenario read the problem aloud or to yourself, that is up to you let me know when you are done reading um verbalize any thoughts that you have as you are reading it um whether you think they are *relevant or not

6: read it out loud you said?

T: you don't have to

6: oh ok

t: if you want to. I they used me as a guinnia pig and i did and i read it out loud some people don't like to so it is up to you

6: ok

t: um this is just your normal thought process it should be as natural as possible um* you only need to report to me what you are thinking, like just say out loud what it is you don't have to say I am thinking this or this is why i think that just say whatever it is. Um the following presentation of the case there are going to be a questions, just so you know.* The information on the page that i am going to give you is the only information that is available. I am going to give you this and just let me know when you are done reading.

[reading] * * * * *

6: ok this is the question that i am supposed to answer?

T: ok let me have this back for one second and I am going to ask you to give me a summary* of what you read.

6: Um the summary of what i read was that my client hypothetically is an individual named Mr. Stamos i believe, um 37 years old with a 8th grade level education *um he um English is his second language he doesn't seem to be a native or born he doesn't seem to be born or having emigrated to the country he is in search of a car he goes to a car dealer ship um tells the dealership that he* is looking at the cars on the lot at the spur of the moment type thing and he hasn't really put any prior thought or done any research on they type of car that he wants um he ultimately takes a Nissan Altima home for* the night for a test drive and he brings it back in the morning um purchases um the car signs various documents um when he told the dealership that the dealership representative informs him* that the car was um... was being was previously owned is used and is in good condition was previously owned by a um executive some sort of an executive ownership* which mr. Stamos took to mean um sort of a high ranking official or executive had been driving the car um upon looking at the documents um one of his mr. Stamos's friends um finded out that the previous owner* is actually enterprise rental company and um it was a rental company that had been renting out the car um and mr. stamos feels that he has a claim against the dealership because he misinterpreted who the prior own* of the car was.

T: ok here is this back and i am going to ask you what your thoughts are about the questions at the end

6: um based only on these facts does your client have any viable legal claims for damages? What is the basis* for your answer? Um i would say that based on these facts only um that uh mr. Samos does not have a viable legal claim for damages and my reason for that would be that he* there was ample opportunity for him to um have looked at the front of the certificate of title which clearly stated enterprise auto rental of Indianapolis and if he um has looked at that before he signed* it i think a reasonable person would have come to the conclusion that um... the words auto rental in the name of the previous owner would indicate that it was probably an auto rental company um despite the fact that he has* an 8th grade level education he seems he must have been living in the county for X-amount of years or months or what have you to know that here are rental car companies i mean i would assume um exist and um* putting those words in the title of the previous owner er in the space for title of the previous owner i would think would be a reasonable assumption that he should have seen that and should have recognized that um so um i i would say that *in terms of collecting damages there isn't any sort of the company the dealership did not mislead him in anyway did not misinform him in any way those documents were there for his own referral* he wasn't forced or coerced into signing them there is nothing misleading or false about what they told him so i would advise my client if this was my client that there were no damages that he could... ya know really collect off of this claim.

T: ok thank you*

6: you're welcome

t: alright that is it

6:ok

t: i want to thank you for your time and ask you not to discuss this or any of the problems with any one else at Hofstra because you might taint other participants because we don't know ultimately who else is going to be in the study and we want to make sure that we gather* quality data.

Tape #7- * indicates 15 second time stamp, ???- indicates unintelligible speech

A: Thank you for your participation today this is a short research study on the development of legal reasoning skills by law students. This* is not a test of your ability but rather an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed to your professors your responses will be tape recorded to ensure accuracy. These tapes will not be shared with anyone outside the research team*.... First you will be given a sample problem to work through. This is to familiarize yourself with verbalizing your thought process. This is only a warm up and is not part of the study. When answering the question please verbalize *your thoughts as naturally as possible. Please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner. The easiest way to do this is to go through your normal thought process just say everything aloud as if no one else is in the room.

7: I* read this?

A: yes

7: Do I read it out loud?

A: Yes

7: ok , premiums for automobiles accident insurance are often higher for red cars and for cars of other colors to justify these higher charges insurance complaints claim that overall* a greater percentage of red cars are involved in accidents then are cars of any other colors. If the claim is true then lives could undoubtedly be saved by banning red cars from the roads all together. The reasoning in this argument is thought because the argument A*: accepts without question that insurance companies have the right to charge higher premiums for higher risk clients B: fails to consider whether red cars cost the same to repairs as cars of other colors C: ignores the possibility that driver who drive recklessly* have a preference for red cars D: does not specify precisely what percentage of red cars are involved in accidents E: Makes an unsupported assumption that every automobile accident results in some loss of life.. .*... I would say A accepts without questions that insurance companies* have the right to charge higher premiums for higher risk clients..

A: ok ... next you will be presented with a legal problem. Please read the problem out loud or to yourself and verbalize any thoughts that you have as you read. This* should mirror your normal thought process and should be as natural as possible. Remember just as in the previous exercise you only need to report what you are thinking without explaining why you think it. Following the presentation of the case you will read the question. The information on the page* is all the information available regarding the problem

7: The problem, 8 months ago your client Alexander Samos a 37 year old electrician with an 8th grade education went to the midtown Chevrolet* dealership and told the sales man Edward Warren that he was looking for a used vehicle. Mr. Samos whose second language is English had

not dealt with the dealership on any prior occasion and called his decision to look at cars spur of the moment*. After discussing available cars and financing with Warren, Mr. Samos took a Nissan Altima different from the one that he eventually purchased home for the night as a test drive. The following day your client returned the car to the dealership and* began discussion about the 2001 Nissan Altima that he ultimately purchased. Warren told him that the car was executive driven and that it was a greater used car. The sticker stated 2001 Nissan Altima 4 door* GLE \$14,500 as is no warranty. Upon his decision to purchase the Altima Warren prepared a number of documents for your client to sign. These documents in which Mr.. Samos shows* you include a retail installment contract to purchase price of \$13,999. An odometer disclosure form showing 31,248 miles, a hand written vehicle sales order* a typed vehicle sales order and a certificate of title. The resale installment contract contains a typed word used in the box designed new or used. Both vehicle sales order contain a check in the used box in section and also contains boxes* titled new and demo. None of these documents make reference to the cars prior owner. The form the front of the certification of title the front lists Enterprise Auto Retail Indianapolis As the original owner*. The back of this title contains a section labeled first reassigned by registry registry to dealer only under which Midtown Chevrolet is listed as dealer and Alexander Stamos is listed as purchaser. Your clients admits signing all these papers although* your client does not remember in detail each one he signed he does recall that he was neither pressured nor rushed to complete the paper work. Mr. Samos admits to having driven Altima since its purchase without any serious Malfunctions. But recently his friends looked closely at the certificate* of title and found that the previous owner was an Automobile rental company. Your client states that he interpreted warrens statement executive driven to mea that the car had previously been driven by high ranking employees* of either Nissan or Midtown Chevrolet and said that he was deceived into purchasing the car because he relied on the statement. Your client admits he knew that he was purchasing a used car but did not know nor did he inquire further about the Altima's history or previous owner. Your* client wants any damages to which his is entitled. Your state has no statue that applies to this type of situation. Based only on these facts, does your client have any viable legal claim for damages? What is the basis for your answer?

A: Before you answer, can* you please provide me with a brief summery of the case that you just read?

7: well seeing that I don't even know how to drive, car things are a little difficult, um Mr. Samos went to a car dealership and Mr. Warner* was the sales rep and he showed him an Altima car which he took home for a test drive and he came back the next day and um had the paperwork ready to be signed and it* the paperwork said that it was a used car and that is was executive driven, um so Mr. Samos relied on this information knowing he was buying a used car and looked at the odometer seeing how many miles and all that stuff* and he bought the car. Um however although he has been driving it and there were no accidents his friend looked at the car and looked at it more closely I guess the paper or whatever was involved and it stated that he car was um* used for like rentals and Mr. Samos feels like he was deceived because the dealer Mr. Warren never told him how it was used when it was used like in what context it was used he just thought it was executive driven* meant that it was driven by like high profile executives in the company not that it was um rented out to like other clients, um not clients people who like I

guess and so the question is does mr. samos* have any like cause oh and there is no statute about this question like is this does he get like damages or what.

A: Anything else?

7: um Mr. Samos wasn't pressured into signing anything um.* He read everything or signed everything uh I think that is all I remember.

A: What do you question what are your thoughts regarding the question at the end?

7: ..*.. I mean I don't really when it says viable legal claim for damages, I guess I am thinking of the degree of the of the word viable like since there is no statue it is pretty hard to like ya know determine the degree like* what do we mean by viable legal claim like how much or how little does he have to have to prove that he was deceived or that the dealership like* I don't know wilfully or maliciously or whatever meant to like trick him, ya know what I mean? So I don't really know like there is no standards so it would be hard to determine like what is the bare minimum that Mr. Samos has to prove* or like on the other hand Mr. Warner like does Mr. Warner have to prove like good faith ya know or does Mr. Samos have to prove like good faith I don't know ya know what I mean like the standards it is hard* like what needs to be proven so I don't really it would be hard for me to really like make a decision if there is no statute.

A: is there anything else?

7: um...I guess also the* paper work like the the um ... what is it called? Two things one, well there is no statute but ... is there like a law somewhere that like requires um* the car dealership to like like state exactly how the used cars were used before like did they have to report that? Because if they do then and and and then*if they have to report that was there somewhere in the paperwork included that but Mr. Samos just like didn't read all the details of the fine print and just signed it because if that is stipulated there if it is required and it is written and Mr. Samos signed it then the car dealership I think is not responsible* but if there is a law that you have to write stipulate what it was used for and it is not included in the fine print then the car dealership should be responsible so I don't know *ya know if they are required to cause if they are not then it could just be that they weren't nice but that is not like a legal claim ya know what I mean just they just ya know joined the business to make money however they can. So* what's like what's the car dealerships responsibility ya know?

A: well thank you for your time today and we ask that you discuss not discuss the study and legal problem presented to you or any of your answers *with any one else at hofstra. This is to ensure that other potential participants are not tainted and you will and that we are able to gather quality data.

Tape #8 * indicates 15 second time stamp ??? indicates unintelligible speech

T: this is a short study on the legal reasoning skills by law students. this is not a test of your abilities but rather an attempt to determine how people think about legal problems. you will not be graded and your answers will not be revealed to your professors. your responses will be tape recorded for accuracy*. these tapes will not be shared with anyone outside the research team. First i am going to give you a sample problem to get you familiarize you with the process of verbalizing your thoughts. It is only a warm up and is not really a part of the study. when u answer the question verbalize any thoughts that you have as naturally as possible* don't explain or rationalize don't say well I think this because just whatever you normally thinking your own head just say it out loud pretend I am not even here. um go through your normal thought process. ok here you go*

8: [reading] ...*..... I just have to verbalize my thought process?

T: Hm hm whatever you think as you are reading just say it out loud

8: ok *...I have to change the color of my car...???...I will speak up I guess*, red cars is important.... red cars are... higher* insurance than other cars wonderful... ??? ... higher percentage of red cars in accidents*.... it has a ??? ..*... if this claim that red cars were have a higher percentage of accidents lives would be saved by banning red cars, interesting.... *no it??? cost is irrelevant I am not saving money.... ??? *the percentage itself is irrelevant, no it doesn't make that assumption C ... *...*...???*...*...* the problems seem to be the same... *...*.is there a time limit?

T: nope

8: ah

T: Just make sure everything you say out loud

8: oh alright

T: pretend you are just reporting in general

8: ok

T: and* getting the right answers isn't as important to us as what you think when you do it

8: ok

T: ok?

8: that works for me too....???***... A is irrelevant, ... it's not really different top and bottom right?

8: ok making sure it wasn't a different person...*

T: Did you read everything?

8: nope

T: ok

8: just reading tell you in a little bit I mean overview of what I am reading *...*...*

T: ok you read all the way through, ok then let me have the paper

8: oh I don't get it at all

T: let me have the paper one second*, I just want you to give me a summery

8: you didn't tell me I had to do that

T: it's a surprise. There is no right or wrong answer, just give a summery of what you remember

8: um alright so you got this guy what is his name Stamos or Samos* I don't know which one it is

T: whatever you prefer to call him

8: so he went to ah a Nissan dealership and there was an Altima he purchased he purchased. He went in just spontaneously to buy the car he wanted a used car he had bought* said it was executive ??? stated that it was used it had a no it had it came with no warranty for a price of a little over \$14,000 contract said that it was the price was \$13999* for I believe. One of the charges listed was to bring it up um he was checking the contract and the box was checked off used and the box* stated the type of car and the the I guess the state of the car it also had the option to check off demo offer new it was listed as the previous owner he he he didn't inquire who the previous ownership the previous owner was listed as* enterprise rental car I believe enterprise something he drove it around for a little while with no problem he then had a friend of his take a look at and took a look at it* ??? problem or what and said that the owner was the rental company which being that it was executive driven it was driven wasn't by just one person* and now he's claiming damages. How did I do

T: I am not judging you, you can have this back and now I need to know what are your thought in regards* to the question presented at the end of the case?

8: do you want it right now or can I reread it?

T: you can reread it... remember* to verbalize any thoughts that you have.....

8:*..... ???*...* his second language is English so it could be a language barrier possibility ???
(I can not understand anything that he is saying during this part of the tape)*****
(Teresa's note, he was reading to himself and mumbling)** does he have a viable claim? Good
question*..... maybe I should ??? possibility that warren took advantage of this language barrier
all we* know is that he doesn't speak English very well ??? it isn't his first language ??? spur of
the moment, its irrelevant ???** ...*... none of these documents requires that ??? from prior
owners ???* ...*....*...*...*...*...*.. uh no he doesn't have a claim he uh the contact clearly stated
that it was owner by an automobile rental company that the company made rental* deal ??? that
is all that matters really who was the previous owner um what else also uh he didn't bother to
inquire about the Altima's history or uh I don't gather why not that is his fault that he
interpreted* executive driven to mean what he did he should have asked about the man driving
instead of assuming that is his own fault again. All the faults seems to lie on Mr. Stamos and I
don't think that he has any real claim for damages.*

T: Ok anything else? There doesn't have to be I am just asking

8: no no that is it

T: ok then I want to thank you for your time and ask that you not discuss the legal problems or
anything that you saw here with anybody else* here at Hofstra because you may taint other
potential participants we are trying to get quality data. Ok thank you

Tape #9 *- indicates 15 second time stamp ???- indicates unintelligible speech

T: this is a short study on the development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems. You won't be graded and your answers won't be revealed to any of your professors. Your responses are being* tape recorded for accuracy and the tapes won't be shared with anybody outside of the research team. First I am going to give you a sample problem just to familiarize you with the verbalization process. It is just a warm up and is not part of the study. When answering the question feel free to verbalize your thoughts as* naturally as possible. If you come up with any thoughts as you are reading say them out loud, if you want to read the problem out loud that is fine too, but don't explain or rationalize your thoughts, don't tell me why you think what you think. Um the easiest way to do this is to just go through your normal thought process and just report* it as you are thinking to yourself but say everything out loud. Pretend that there is no one else here and I am not here. Then I am going to give you a legal problem and you are going to do the same thing. Here is the sample problem.

9: here is my sample problem*

T: read it out loud or to yourself

9: Oy gevalt! oh can I say that

T: you can say anything you want

9: ok so I would think at this point that Oy gevalt because I am about to start something

T: ok don't explain to me what you are thinking just read* the problem

9: alright [reading]...*.....nah it shouldn't* be 1 it shouldn't be A.oh can I write on this... ok... nah *he has nothing to do with it...maybe C but I will come back to it...??? D can't be it..*....E is too vague *.... Go C I don't like C but is the best answer I guess I will go with that one, yeah so that would be my choice after kinda working it down ok

T: Ok you finished?*

9: do I go to the second problem?

T: it's all the same problem

9: oh ok

T: Ok let me have that back

9: so how did I do am I correct?

T: I don't know the correct answer the correct answer doesn't matter *

9: oh

T: uh next I am going to give you a legal problem, you can read it aloud or to yourself just verbalize your thoughts as you read, Uh it should be just like your normal thought process as natural as possible. You only need to report what you're thinking not explaining it *. Following the presentation of the case you are going to read a question. The information on the page that I give you is the only information available but if there is anything else in the problem that you want to know you can say that out loud ya know like I wonder about that Just * whatever you are thinking at that moment

9: At this point again I say oy gevalt.... alright [reading] ...*....*

T: don't forget to verbalize anything that you are highlighting

9: well I highlighted names because I just wanted * to

T: you don't have to tell me why

9: I am highlighting names and I am highlighting spur of the moment because it is a spur of the moment idea... *.I am just curious why they are putting in at this point different from the one that he eventually purchased but maybe it will be come more clear a little * later..... what did he take? It didn't * say what he did take home oh well....[reading partially out loud] ...*.....*...*... ..*...*...* he was neither pressured nor rushed so basically he did it of his own volition ok [reading partially out loud] ... oh it was * a rental company [reading partially aloud].... ok that is fine...[reading partially aloud].*... yeah that is what I thought but it doesn't necessarily mean that ...[reading partially out loud] *...*... oh so i can make money that is good...*

T: ok give me this back, now i am going to to ask you to give me a summery of what you just read

9: summery of what i just read- there are two people one was samos and one was warren, samos was the purchaser * and warren was the uh dealer of the dealership uh on a just spur of the moment idea Samos went into the dealership to look * at a car um he.. Looked at a car and decided to take one home to test drive it for the day he took it for a test drive. Um then he came back the next day he didn't end up taking that car he ended up discussing another car with a list * price of \$14500 a 2001 Nissan Altima. Uh he was... the dealer stated that it was executive used driven executively whatever that is * and um very good used car he noted how much was on the odometer the miles I think it was somewhere around 31000 and basically signed all the paperwork made all the transaction made all the deals he signed all the forms * willingly without any problems of his own volition he wasn't pressured he wasn't forced he wasn't rushed. He doesn't remember exactly what he signed but he remembers he signed all the forms and made the deal. Um the deal ended up being \$13999 * not \$14500 which ??? after that um his friend oh and it said who the previous owner was but he didn't really look into it more but he basically proves the owner was a dealership * and now he has the certificate he has the title he has the written and type written documents um his friends took a close later he drove find no malfunctions nothing

everything was wonderful but his friend took a closer look and found out * that this car was previously owned by a rental company and this rental company I guess used this car a lot so he wants damages because he felt that he was the car was misrepresented they said it was extensively used and it wasn't it was * a rental and he thought it meant that its only like presidents and vice presidents and different officers of the company so ya know much better care than a person renting the car so he now wants damages for * them and uh I as the lawyer have to decide if he can there is no statute stating um for things of this situation but there is a statute in my jurisdiction that as an attorney I collect * fees when it comes to customer transactions. I have to decide and this paper tell me that I as the attorney have to decide if he has something to file a claim on and what is the basis of the claim

T: ok *

9: I must say I did a pretty good job

T: uh what are your thoughts regarding the question presented at the end of the case?

9: what are my thoughts meaning?

T: you read that question and what do you think

9: [reading questions] * um I am thinking, trying to decide what the word viable is telling me um everyone a legal claim everyone has a legal claim you can claim anything you want. But is he * going to get anything out of it? I don't think so because he had the opportunity to to get more information he chose not to, executive driven doesn't mean anything it just says executive driven you can make it mean whatever you want it to mean *. Um what damages are you going to get because the car is running well you knew how much miles were on you bought a used car it stated who owned it before you chose not to get more into it that's it. On the other hand um I certainly want to make some money * so I guess I would have to look a little closer into the situation um to find out if I can do something to make a little bit of money but at this point I really don't see going further with it. I see it as * just a waste of my time his time and money.

T: Ok anything else?

9: the basis for my answer or thought process

T: ok just checking that you didn't miss anything. Thank you for your time today * and I ask that you not discuss this study the contents of the legal problem or anything with anyone else at Hofstra because you might taint other potential participants, ok?

9: ok

T: we are trying to gather quality data

Tape #10 *- indicates 15 second time stamp ???- indicates unintelligible speech

A: Thank you for your participation today this is a short research study on the development of legal reasoning skills by law students. This is not a test of your abilities but rather an attempt to determine how people think about legal problems. You will not be graded and your answers will not be revealed* to your professors. Your responses will be tape recorded to ensure accuracy. These tapes will be shared, will not be shared with anyone outside of the research team. First you will be given a sample problem to work through. This is to familiarize you with verbalizing your thought process*. This is only a warm up and is not part of the study. When answering the question, please verbalize your thoughts as naturally as possible, please do not explain or rationalize your thoughts but rather communicate them in a free flowing manner. The easiest way the easiest* way to do this is to go through your normal thought process but say everything out loud as if no one else was in the room. ... that is just a simple LSAT* problem for you to warm up

10: Do I read this out loud or just to myself

A: however you feel more comfortable doing it

10: [reading]....**...*...its been a while since I've seen one of these....

A: Well* just say just state what you are thinking out loud as you go through it

10: ok why is the argument flawed?...???* it is only red cars and all the accidents therefore they are saying it would save lives if they ban red cars, there is problem* with that....which the accidents just cause there's an accident doesn't mean that there is going to be a death so it doesn't necessarily save lives so what is the answer*.....I would say D because it makes an unsupported assumption that every automobile accident results in some loss of life.

A: ok thank you Next* you will be presented with a legal problem please read the problem out loud or to yourself and verbalize any thoughts you have as you read. This should mirror your normal thought process and should be as natural as possible. Remember as in the previous exercise you only need to report what you are thinking* without explaining why you think it. Following the presentation of the case you will read a question, the information on the page is all the information available regarding this problem.

10: [reading]..*..*...*...*...*...*...*...*...*... I guess they want to know if I have

A: Well before that can you summarize, provide me a summary of the case you just read

10: ok Uh basically uh... a person ??? Mr. Samos* went to a used car and the dealer um I forget his name uh so he he took a car home to ya know to practice it was a Nissan Altima um he took a test drive he came back *the next day and they started negotiating uh for the car uh and uh they went they went over some of the facts of the car it was ya know used um ya know the price, installment payments* at the point of intention it became a question of if it was executively

driven so ya know the purchaser was under the assumption that this just meant that ya know that certain people* were driving it around in the company but not that it was an actual ah used ah for rental purposes as it turned out to be when his friend later told him that.

A: Anything else

10: uh.... there* was something in parenthesis there about that it wasn't the car that he actually purchased but I really didn't catch that I would read that again if I could but

A: What are your thoughts regarding the question presented* at the end of the case

10: Based solely on these facts does your client have any viable legal claim for damages? What is the basis for your answer?... um ... *... the question was ya know was that misrepresentation ya know the executively driven part uh there is ah did it say that?**...* I mean I would say that there is no claim for damages because there was no fraud or misrepresentation at all Also it did say on the uh on the title that it was from a rental company so it seems* like it is more his own fault ya know that he purchased it at fault that he didn't look into it enough

A: Anything else?

10: Should there be something else? Laughter

A: I am just asking

10: uh uh

A: Do you feel that there is anything else?

10: hm no it seems like seems like* ya know it wasn't it wasn't big ya know who what the previous owner was and what it was used for that is still something that ya know as long as it is not ya know misrepresented which it wasn't in this case* it is the purchaser's ya know responsibility and ownus to look into it who ya know where it came from and what the uh the uh status of what the car was and if he didn't do that then he suffers the consequences of the uh what happens to it and it did say on the title that it was in fact a rental* so it wasn't like so far fetched you didn't have to go searching too far

A: Anything else

10: that is good I am happy with that

A: laugh well thank you for your time today we ask that you not discuss the study the legal problem presented to you, or any of your answers with any one else at hofstra. This* is to ensure that other potential participants are not tainted and that we are able to gather quality data. Thank you

10: You're welcome